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PART I - NOTIFICATIONS BY GOVERNMENT, HEADS OF DEPARTMENTS AND OTHER OFFICERS

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NOTIFICATIONS BY GOVERNMENT

FINANCE DEPARTMENT
(HR.IV)

ENCASHMENT OF LEAVE ON HALF PAY AT THE TIME OF RETIREMENT OF THE TEACHING AND NON-TEACHING STAFF WORKING IN THE AIDED JUNIOR COLLEGES / DEGREE COLLEGES / ORIENTAL COLLEGES AND ALSO FOR TEACHING AND NON-TEACHING STAFF WORKING IN PR, MUNICIPALITY AND AIDED SCHOOLS WITH RETROSPECTIVE EFFECT.

[G.O.Ms.No. 90, Finance (HR.IV), 8th June, 2018.]

Read the following:-

1. G.O. Ms.No.154, Finance (FR.I) Department, Dt: 04.05.2010.
2. G.O. Ms.No.148, Finance (HR.IV) Department, Dt: 21.08.2017.
3. G.O.Ms.No.186, Finance (HR.IV) Department, Dated: 27.11.2017.
4. Orders of Hon'ble Andhra Pradesh Administrative Tribunal in O.A. No. 6775/ 2014, O.A.No.323/2017, dated.10.02.2017and 652 of 2018, Dated:11.04.2018.
5. Several Representations including representations of Sri Gade Srinivasulu Naidu, Sri Rama Surya Rao, Dr.A.S.Rama Krishna, Sri Balasubrahmanyam, and Sri Kathi Narasimha Reddy, Hon'ble Members of A.P. Legislative Council.

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ORDER:

Government of India vide Office Memorandum 14020/1/90-Estt. (L) Dated: 6.4.1993, Department of Personnel & Training allowed encashment of Half Pay Leave at the credit of Government servants who retire on superannuation subject to the condition that pension and pension equivalent of other retirement benefits

be deducted from the amount payable as cash equivalent. The State Government in pursuance of the recommendations of the High Power Committee extended the benefit of encashment of Half Pay Leave at the credit of State Government employee on retirement as applicable to Central Government employees.

2. Based on the recommendations of 6th CPC, the Government of India issued revised orders changing the formula vide O.M.No. 14028/3/2008 - Estt. (L) Dated: 25th September, 2008. The Ninth Pay Revision Commission recommended to adopt the same formula in the case of encashment of leave also subject to the condition that the total number of days of earned leave + leave on half pay put together should not exceed 300 days for encashment. Accordingly orders were issued in G.O.Ms.No154, Finance(F.R.I) Department, Dated: 04.05.2010.

3. On the reference from the Director of School Education, a clarification was issued vide Memo No. 7380/PE. Ser I/2012 Dated: 10.12.2012 that orders issued in G.O.Ms.No.154, Finance(F.R.I) Department, Dated: 04.05.2010 are applicable to the Government employees and not applicable to the employees of the Panchayat Raj and Municipal institutions. It led to large number of teachers approaching to the Hon'ble APAT.

4. The Tenth Pay Revision Commission recommended to extend the facility of encashment of Earned Leave, including the Half Pay Leave up to a maximum of 300 days to all the employees, teaching as well as non-teaching staff of aided institutions and local bodies i.e., Aided Junior Colleges/Degree Colleges/Oriental Colleges and also for teaching and non-teaching staff of Aided Schools and the employees of Panchayat Raj and Municipal institutions.

5. The Hon'ble APAT allowed the OA No. 6775/2014 on 31.12.2015 with the following observations :

> *''This Court had an occasion to deal with the issue whether the employees including teachers of the Panchayat Raj & Municipal Institutions , ZP and MP Institutions are Govt. Servants or not and it was held by this court in OA No.1668/2015 and batch Dt:15.12.2015 that the employees including teachers of the Panchayat Raj & Municipal institutions are government servants. So, in view of the same, the said issue is held in favour of the applicant in the present case also and consequently the Impugned Govt. Memo No. 7380/PE- Ser.I / 2012, Dated: 10-12-2012 Education (P.E.) Department is set aside and the respondents are directed to allow the applicant to encash the half pay leave in terms of G.O.Ms. No. 154 Finance (F.R.-I) Department, Dated: 4-5-2010 with all consequential benefits".*

6. Accordingly, orders were issued in the references second read above, extending the orders issued in the reference first read above to the teaching and non-teaching staff working in the Municipal, Panchayat Raj and Aided Institutions on par with the Government employees. In the reference third read above, the same facility was extended to the teaching and non-teaching staff of Aided Junior Colleges/Degree Colleges/Oriental Colleges and also for non-teaching staff of PR, Municipality and Aided Schools on par with the Government employees.

7. Several court cases have been filed and they were allowed on the analogy of the above directions of the Hon'ble A.P. Administrative Tribunal. Several representations have been received and Hon'ble Members of A.P. Legislative Council particularly the teachers' representatives raised the issue and requested the Government to implement the orders of Hon'ble APAT with retrospective effect i.e. from the date of issue of orders in the reference first cited.

8. Government after careful examination of the matter and keeping in view that homogeneous group of employees cannot be discriminated, in suppression of the orders issued in GO third read above hereby order that the orders issued in the reference first read above be extended to the teaching and non-teaching staff working in the Aided Junior Colleges / Degree Colleges / Oriental Colleges and also for teaching and non-teaching staff working in PR, Municipality and Aided Schools with effect from 4.05.2010.

9. The G.O. is available online and can be accessed at the address http://www.ap.gov.in/goir and http://www.apfinance.gov.in.

MUDDADA RAVICHANDRA,
Principal Secretary to Government (FAC).

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